

**REMARKS**

Claims 12, 14-16, 18-27, and 32-34 are amended herein and Claims 13 and 17 are canceled. Thus, Claims 12, 14-16, 18-27, and 32-34 are pending and are presented for further consideration in light of the following remarks.

**Response to Rejections under 35 U.S.C. § 112**

Claims 12-27 and 32-34 were rejected for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. In particular, the Office Action asserts that the step of determining whether an account number meets certain criteria serves no function. While the Applicant disagrees with this characterization, each of Claims 12-27 and 32-34 have been amended to clarify the claimed subject matter.

The Applicant submits that each feature recited in the amended claims serves a function. For example, Claim 12 recites “comparing digits of at least the first account number with corresponding digits of at least the second account number to determine the number of differing digits between the first account number and the second account number.” This comparison serves at least the purpose of allowing a determination to be made of whether to resubmit the second check transaction, which failed at least in part because the second account number was erroneous, using the first account number from the first cleared check transaction by the payor.

Claim 32 recites “compar[ing] at least a portion of the located MICR data [associated with a first cleared check] with at least a portion of the MICR data associated with the second check transaction [which failed to clear at least in part because of incorrect MICR data].” This comparison serves at least the purpose of allowing a determination to be made of whether to resubmit the second check, which failed at least in part because of incorrect MICR data, for clearance using MICR data associated with the first cleared check.

**Response to Rejections Under 35 U.S.C. § 102(e)**

Claims 12, 14-16, 18-27, and 32-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,464,134 to Page (“Page”). Applicant submits, however, that Page does not disclose every feature of Claims 12, 14-16, 18-27, and 32-34.

Claim 12

Amended Claim 12 recites (emphasis added):

12. A method of processing a check transaction, the method comprising:
- storing a record of **a first cleared check transaction** by a payor, the record comprising a first account number associated with the first cleared check transaction;
  - receiving an indication that **a second check transaction** by the payor **failed to clear at least in part because a second account number received in connection with the second check transaction was erroneous, wherein the second check transaction corresponds to a different check than the first cleared check transaction**;
  - identifying the payor using a personal identification code associated with payor of the second check transaction;
  - locating the record of the first cleared check transaction using the personal identification code;
  - reading the first account number from the record of the first cleared check transaction;
  - comparing digits of at least the first account number with corresponding digits of at least the second account number to determine the number of differing digits between the first account number and the second account number; and**
  - submitting the second check transaction for clearance using the first account number associated with the first cleared check transaction if the number of differing digits between the first account number and the second account number is less than or equal to a selected threshold.**

Applicant submits that amended Claim 12 is not anticipated by Page because Page fails to disclose every limitation of Claim 12. Page discloses a method of transmitting information about a check (e.g., check amount and payee information) to a processing center at the time when the check is issued. Later, when the check is presented (e.g., to a bank) for redemption, the check amount and payee information are compared with the corresponding information that was transmitted to the processing center when the check was issued. This method is intended to help reduce fraud by preventing individuals from altering the check amount or payee information and then redeeming the fraudulently-altered check. (Page, cols. 3-4).

In contrast, and by way of background, the Applicant describes a method of successfully processing a check transaction even when certain check data involved in the transaction have, for example, been corrupted or inaccurately entered, resulting in the check transaction initially failing to clear. According to certain embodiments, the payor of the failed check transaction is

identified. The payor's identity can then be used to locate check data from a separate check transaction by the payor that successfully cleared. The check information from the cleared transaction can be compared to the check information from the transaction that failed to clear. If it is determined that the check data from the cleared transaction corresponds to the data that was intended to be used in the failed transaction (before it was corrupted or inaccurately entered), then the check data from the cleared transaction can be used to resubmit the failed transaction for clearance. Please see the examples given in the Applicant's specification at paragraphs [0030]-[0066].

The Applicant submits that Page does not disclose "comparing digits of at least the first account number with corresponding digits of at least the second account number to determine the number of differing digits between the first account number and the second account number." Page discloses comparing information taken from a single check at two separate moments in time – at issuance of the check and at redemption of the check. This is not equivalent to comparing a first account number, associated with a first cleared check, with a second account number, associated with a second check that failed to clear at least in part because a second account number received in connection with the second check transaction was erroneous. First, the comparison disclosed in Page is between a first set of check data (from the check issuer) and a second set of check data (collected at the time of redemption) that come from a single check, not from different checks. Second, neither the first nor the second sets of check data are associated with either a check that has cleared or a check that has failed to clear. Both sets of data are from a single check that has neither cleared nor failed to clear, the comparison in Page being made to determine whether to allow the check to clear.

Moreover, Page does not disclose that its comparison between the first and second sets of check data "determines the number of differing digits" between account numbers in the first and second sets of check data.

The Applicant further submits that Page does not disclose "submitting the second check transaction for clearance using the first account number associated with the first cleared check transaction if the number of differing digits between the first account number and the second account number is less than or equal to a selected threshold." The only submission of a check transaction for clearance that is disclosed by Page occurs when the check data sent to the

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processing center by the check issuer (first set of data) matches the information on the same check when it is presented for redemption (second set of data). This is not the same as submitting a check transaction that has previously failed to clear by using a different account number.

Claim 32

Claim 32 is patentably distinguished from Page for reasons similar in principle to those set forth with respect to Claim 12, and because of the additional features recited therein.

Claims 14-16, 18-27, 33, and 34

Claims 14-16, 18-27, 33, and 34 each depend from an independent claim and are patentably distinguished from Page for at least the same reasons set forth with respect to the corresponding independent claim, and because of the additional features recited therein.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

The Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Attorney Docket No.	Title	Filed
10/746,529	1DATA.049DV1	APPARATUS AND METHODS FOR PROCESSING MISREAD OR MISKEYED MAGNETIC INDICIA	May 9, 2007
11/746,524	1DATA.049DV2	APPARATUS AND METHODS FOR PROCESSING MISREAD OR MISKEYED MAGNETIC INDICIA	May 9, 2007

Applicant notes that cited references, office actions, responses and notices of allowance currently exist or will exist for the above-referenced matters. Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance. Thus, Applicant respectfully requests that the Examiner review these file histories. However, if the Examiner cannot readily access these file histories, the Applicants would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

**CONCLUSION**

In light of the foregoing remarks, the Applicant submits that Claims 12, 14-16, 18-27, and 32-34 are in condition for allowance, and such action is earnestly solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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